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July 8, 2020

By ECF

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Sidanov v. Magellan Healthcare, Inc. et al., 19-cv-05375-PAE

Your Honor:

We represent Defendant Magellan Healthcare, Inc. (“Magellan”) and Defendant JoAnn Harris (collectively, “Defendants¹”) in the above-referenced matter. Pursuant to your Honor’s July 6, 2020 Order (Doc. No. 48), we write in response to Plaintiff’s counsel’s letter motion (Doc. No. 46), wherein he requests to withdraw as counsel and seeks a 60-day stay of this matter.

Defendants do not oppose the withdrawal, but we have concerns about a further 60-day delay in discovery here. We also request an Order that Plaintiff’s existing counsel provide us with a current mailing address, cell phone number, and email address to contact Plaintiff Galina Sidanov – which we may need if she does not obtain new counsel or if there is a need to contact her before new counsel appears.

Your Honor should be aware that we have been trying to schedule deposition dates with Plaintiff’s counsel for weeks, and meeting resistance. Thus, we respectfully request that this 60 days be a firm deadline. Defendants request that your Honor issue an Order that Plaintiff shall either locate new counsel within 60 days of the date of the Order, or, in the event that Plaintiff does not locate new counsel within 60 days, Plaintiff shall appear *pro se* and proceed with discovery at that time, unless Plaintiff is no longer interested in pursuing her claims, in which case, she will stipulate to dismiss her case with prejudice.

¹ Defendants continue to deny that Magellan was Plaintiff’s employer and reserve all rights in that regard.

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We also request that the Court extend the deadlines for discovery and other deadlines for no more than 60 days, or to: December 31, 2020 for the completion of fact discovery and February 15, 2021 for the completion of expert discovery.

However, that Order should specify that there should be no further extensions at the request of the Plaintiff. In other words, we do not want Plaintiff or new counsel to appear in 60 days and request an even lengthier extension.

Plaintiff now has two months to obtain new counsel, and her counsel can proceed with discovery as soon as they appear. We submit this is ample time to obtain new counsel, without causing Defendants any further delays in Plaintiff's prosecution of this action.

Further, we request that Plaintiff's current counsel be directed to provide us with Plaintiff's current address, cell phone number and email address. Counsel has at points claimed that Ms. Sidanov (who we understand resided in Brooklyn) had moved out of the city. We want to be sure that we can contact her, if needed, once her current counsel withdraws. Thus, we believe that it is prudent for the Court and defense counsel to be sure of her current mailing address and to have a cell phone and email address for the Plaintiff.

Finally, we request that the Court set a status conference on or about the time of the 60-day deadline, so that the parties can all appear and understand where the case stands once the stay is over.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Maria Biaggi
Maria Biaggi

cc: Jonathan Shalom (via ECF)
Emre Polat (via ECF)
Barbara Hoey (via ECF)

Plaintiff's counsel's motion to withdraw, Dkt. 47, is granted. Plaintiff's counsel is directed to provide defendants with plaintiff's current contact information no later than July 10, 2020.

The deadline for fact discovery is extended until December 31, 2020, and the deadline for expert discovery is extended until February 15, 2021. The case management conference presently scheduled for November 30, 2020 is adjourned until January 28, 2021 at 10 a.m. The 60-day extension will allow plaintiff time to retain new counsel. Plaintiff should not expect further extensions of these deadlines.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

July 9, 2020